

**MARIN COUNTY HAZARDOUS & SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY**

Board of Directors Meeting
Thursday, May 19, 2022
11:30 A.M. - 1:00 P.M

In-Person: 240 Tamal Vista Boulevard, Suite 108
Online: via Zoom
Hybrid Format

MEMBERS PRESENT

Heather Abrams
Cristine Alilovich, (Alt.) San Rafael
Greg Chanis, Tiburon
Todd Cusimano, Corte Madera
David Donery, San Anselmo
Dan Eilerman (Alt.), County of Marin
Craig Middleton, Belvedere
Alan Piombo, Mill Valley
Dan Schwarz, Larkspur

STAFF PRESENT

Steve Devine, Program Manager
Berenice Davidson, Interim Exec. Director
Casey Poldino, Senior Planner

OTHERS PRESENT

Jenna Brady, County Counsel
Belle Cole, Marin Biomass Study
Celia Furber, Recology Sonoma Marin
Chief Robert Sinnott, San Rafael Fire

MEMBERS ABSENT

Christa Johnson, Ross
Adam McGill, Novato
Chris Zepeda, Sausalito
Jim Schutz, San Rafael

1. Open Time for Public Comment

Belle Cole informed the group of the status of the Marin BioMass Project and requests the Board's assistance with filling the Zero Waste position on the project's steering committee. The Fiscal Agent appointed a project steering committee consisting of those who have orchestrated the project to date. She sent a letter to the Board with further details regarding the project and the duties of the group. The project has been awarded a \$500,000 grant to carry out a two-year biomass study and to create a biomass collaborative that will bring together public and private organizations needed to implement the study's recommendations. The study will analyze a wide range of existing and potential pathways for processing biomass and converting it into useful products in ways that are both economically sound and ecologically responsible. It will focus on practices and infrastructure that will make productive use of both the woody materials resulting from wildfire prevention activities and source separated and mixed organic materials generated from the built environment and landscape. She also had two requests, 1) she expressed urgency in filling the position on the steering committee with a member representing Zero Waste Marin and 2) she would like to set up a presentation from the Marin Biomass Study Project at the next Board meeting. She also wanted to acknowledge the helpful support they have received from Zero Waste Staff, Berenice Davidson, Liz Lewis, and Steve Devine.

2. Approval of the JPA Board Meeting Minutes from August 26, 2021

Motion: by Mr. Donery to approve the JPA Board Meeting Minutes from August 26, 2021. Second: by Mr. Eilerman. Abstentions: None. Vote: Unanimous.

Regular Agenda

3. Introduction of JPA Interim Executive Director Davidson

Ms. Davidson introduced herself to the group, stating that she has been with the County since 2001. She gave a brief personal background, stating that she is a long-time San Rafael resident with three children, and has a bachelor's degree in Civil Engineering from University of the Pacific, and has worked in Public Works for the last 20 years, as well as 7 years in the private sector. She was recently promoted to Assistant Director, overseeing Waste Management. She acknowledged that the Board has not been able to meet since August 2021 for various reasons and looks forward to working collaboratively with the group under the Board's leadership, as well as the implementation of the goals reflected in the study R3 Consulting generated last year. She expressed that she is very passionate about the mission of the JPA Board and Zero Waste Marin's initiatives. She thanked the Board for giving her the opportunity to work with them. Mr. Chanis thanked Ms. Davidson for her introduction and expressed that the Board is looking forward to working with her, as well.

4. Receive Presentation from San Rafael Fire Department on the Marin Household Hazardous Waste Annual Report

Mr. Devine made a brief introduction, and a refresher for current Board members, of the San Rafael Household Hazardous Waste (HHW) facility and its function and the significance of its role in toxic waste reduction in Marin. It diverted over 1,500,000 pounds of hazardous materials this year. It is the largest budget item for this public agency and the facility is well-loved by the community. He stated that their office has not received one single complaint about this operation in 10 years. For reference, the Novato Sanitary District also operates a similar HHW program for just its residents and businesses in the City of Novato. There are other HHW programs operated by this JPA, such as the Bulb and Battery Program at hardware stores in the community, the Sharps and Needles Program, and the Used Oil Recycling Payment Program. He stated that these three programs are not funded or operated in this specific program. He also mentioned he will be addressing the matter of the City of San Rafael transitioning out of its role in this program in items number six (6) and eight (8) on this agenda.

Chief Sinnott delivered the report prepared by David Catalinotto, who was the Program Coordinator for the San Rafael Fire Department and resigned in January, 2022. Mr. Catalinotto reported that it was another productive year, ending significantly under budget, despite the ongoing pandemic. The HHW facility has maintained its continuity of operations and is open five days a week. Facility staff added pandemic-related signage and adapted to PPE supply chain challenges by shifting from disposal to re-usable suits. Two successful Toxic-Away Days were held: one in Bolinas and one in Pt. Reyes Station. Together, about 120 residents participated and 11,000 pounds of household hazardous waste was collected. Over the course of the year, over 30,000 residents participated in the HHW facility, collecting over 1.6 million pounds of household hazardous waste, a 6.1% increase

from the previous year. The budget is summarized on page 3 and financially the program concluded under budget. It obtained nearly \$99,000 in outside funding. San Rafael Fire Department organized two separate West Marin events at a total expense of just over \$26,000. Additional budget details are provided on pages four (4) and five (5). A waste analysis is provided on page six (6), with latex paint and paint-related materials consisting of the majority of the product collected. Destination methods are summarized on pages seven (7) and eight (8), which are similar to prior years. Only 1.3% of waste collected was landfilled. Residential participation is summarized on page nine (9) and data shows that residents from all over the service area used the facility. CESQG participation is summarized on page 10; business participation was mostly unchanged from prior years. In the future, adding online appointment scheduling to its website is planned. He concluded the report.

Mr. Devine thanked the Fire Department for their hard work and the team at Marin Resource Recovery led by Kathy Wall. He also stressed the importance of addressing the new waste streams, and the evolving toxicity of batteries in the environment, as Chief Sinnott mentioned, especially the safe handling of ion-lithium batteries which become flammable if they are punctured and cause havoc at recycling facilities.

Motion: by Mr. Eilerman to receive and file the 2020-21 Household Hazardous Waste Annual Report from the City of San Rafael Fire Department. Second: by Mr. Middleton. Abstentions: None. Vote: Unanimous.

5. Update on and Demonstration of "Recyclist" Reporting Software

Ms. Poldino introduced herself and Natalie Kiyasu, Account Executive, and Morgan Bachman, Implementation Manager, with Recyclist, who delivered their presentation on the SB 1383 reporting software, which included a demonstration. She iterated that the Board included funds in the current budget to contract with Recyclist. The cloud-based software is a tool that will help each jurisdiction that franchises solid waste within the County to track, upload and report on a myriad of data, including SB 1383 compliance. A jurisdiction training is scheduled for May 24, and a hauler training is scheduled for May 26.

Ms. Kiyasu and Ms. Bachman delivered the presentation. A Q&A session was held afterwards.

Ms. Alilovich thanked the presenters and asked about the relevance of the presentation to the Board, as she will not be using it, but staff would be. Ms. Poldino answered that Zero Waste staff procured the software this year for SB 1383 implementation and reporting, and she has been working with every city to see who will be responsible for their jurisdiction's reporting requirements to the State. There is a primary and secondary contact for each city, special district and hauler for that information. Ms. Alilovich expressed concerns about enforcement regionally and feels that there should be a bigger conversation that needs to take place regarding enforcement County-wide. Mr. Chanis stated that there was another agenda item scheduled to talk about more specifically moving forward on enforcement and how they should proceed.

Mr. Schwarz expressed concerns regarding enforcement, in that he does not wish for his City Clerk or himself to become the “organics police.” He stated that collective discussion was not had regarding how to maximize their resources to utilize software such as Recyclist. They left it up to every jurisdiction to sort it out, which counters the way Marin operates. He stated that meetings were held about sending out uniformed officers to police recycling, and he has no intention of doing that. He expressed many other concerns about who will be taking on the role of reporting and enforcement in each of all 21 of the jurisdictions. However, he does support the software.

Mr. Eilerman agreed that having a conversation regarding the compliance portion will be helpful and expressed similar concerns regarding which staff enforcement will fall upon. He suggested a discussion regarding the issue could be had on another agenda item.

Ms. Abrams asked the group if they had discussed adding the enforcement piece to the JPA budget. Mr. Chanis answered on behalf of the group and stated that he did believe the group had discussed it.

Ms. Davidson added that when the County adopted the ordinance to comply with SB 1383, they did not identify the process for enforcement because it does not go into effect until January 2024. The intent of the County is to have these discussions with Environmental Health Services, who are the staff that visits these facilities on a regular basis. They are going to identify a way that works with enforcement, and she agreed with the comments expressed. She addressed Ms. Alilovich’s comments in that she believed this discussion is suited for this forum, because it is the JPA who will be deciding who is going to be the enforcement staff once the process is identified. Zero Waste staff will present the recommendations of processes. She sees the recommendation as a two-phase process, the first phase the data collection and identifying what it is that each jurisdiction needs to do, and the second phase will be the enforcement component.

Mr. Schwarz answered Ms. Abrams’s question, and explained that in his experience with hauling, until these two recent pieces of legislation, you could work with your hauler to comply. He felt this has shifted now to where they are going to punish the jurisdictions, which is leading to confusion for them. Bigger cities have specific staff as a liaison with the hauler, but he expressed that the smaller cities in Marin do not have the resources for that. He expressed concerns about CalRecycle coming down heavy on the jurisdictions regarding compliance deadlines.

Ms. Alilovich added to Mr. Schwarz’s comments that the path forward suggested by Zero Waste staff lacks the urgency based on what the jurisdictions need based on the pressure they are receiving from CalRecycle.

Mr. Schwarz also expressed concerns that CalRecycle recommended sending out uniformed officers for enforcement, because the penalties are going to be so high.

Mr. Donery suggested reaching out to Sonoma County to see what type of model they are using to handle enforcement of SB 1383.

Mr. Chanis suggested setting up a special meeting in early June, prior to the next JPA meeting on June 16 to focus specifically on this topic and review gathered information. The group agreed to discuss the topic on the next JPA meeting on June 16, due to time constraints.

Mr. Eilerman echoed Mr. Donery's suggestion and asked if it was possible to bring in Sonoma County and add them as an item to the June 16 agenda.

Ms. Brady with County Counsel shared that she has monthly calls with all the other counties regarding SB 1383 compliance. She is in direct contact with Sonoma County, and she is happy to contact them to ask them how they are handling enforcement, and how other counties are handling it regionally. She stated that Sonoma County is very different, and she believes they have one centralized contract for waste haulers, but she will confirm. The only other county that has special districts and other unique nuances is Contra Costa County. She will look into seeing how they are handling it, as well.

Mr. Piombo stated that his agency is in a similar position as Ms. Alilovich's, and is having the same issues, such as SB 1383 falling on their Sustainability Manager and budgeting issues.

Mr. Chanis stated he is happy to work with Zero Waste Marin staff to have this item on the June 16 agenda.

Mr. Schwarz suggested to Zero Waste staff to send out an email explaining who would be best served to attend the software training sometime next week.

Public comment:

Celia Furber, Waste Zero Manager from Recology Sonoma Marin, shared how Sonoma County is handling the reporting and other obligations for SB 1383. They entered into an MOU with each jurisdiction that covered what responsibilities they would take on, including reporting on behalf of all the jurisdictions in Sonoma County. Recology separately entered into a franchise amendment with each of their jurisdictions in Sonoma County. Within those franchise amendments, they are agreeing to do the route auditing component (lid-flipping) of SB1383 and they will escalate any non-compliance issues to Zero Waste Sonoma for further enforcement. She states that though this process is very new to everyone, this current system is working well. Leslie Lukacs, Executive Director, and Xinci Tan, staff person responsible for SB 1383, are the contacts with Zero Waste Sonoma.

6. Update on Executive Director Recruitment and Other Matters

Ms. Davidson delivered the update on the Executive Director recruitment, stating that in the staff report there is a copy of the County's existing Planning Manager job classification, and it is staff recommendation that the JPA Board approve this new job classification to be the new full-time Executive Director, included in the draft budget under Item 8. If the Board approves, the next step for staff would be to submit it to the County Board of Supervisors for approval of this additional full-time position, budgeted by the JPA Board. The recruitment could begin as early as July. She then opened up the floor for questions from the Board members.

Mr. Schwarz asked if the County has similar situations with other organizations, where they provided a dedicated person. If so, how is it handled for the Board's input on accountability and performance? Will the person be at-will if the JPA Board is not satisfied with the performance?

Mr. Eilerman stated that in the past a subcommittee would be involved with the recruitment and selection, and the person would report to the JPA, but still be a County employee reporting to the Director of Public Works. It would be up to the JPA Board to decide, say, six to eight months later if it's not working out, and they would discuss with the County regarding possible re-assignment.

Mr. Schwarz expressed that he would like the person chosen to be in a fair employment position and that it be clear to them what would constitute failure to perform. He also asked what would happen if the JPA Board is not in agreement with the Director of Public Works regarding their decision to terminate the Executive Director.

Mr. Eilerman stated that this question gets to the root issues, and he invited any other subcommittee members to address Mr. Schwarz's question. He also stated that at the end of the day, the County is willing and excited to be supporting the JPA's mission. He pointed out that the difference in the situation is that the JPA Board will have input in the selection of this employee. It will be an at-will position with the Director of Public Works, not with the JPA Board. His recollection in past situations is that the subcommittee was comfortable with this arrangement, and it was their decision to go this route, rather than subcontract the position.

Mr. Chanis echoed Mr. Eilerman but recalled there was a time in early 2021 where there was a real possibility that the JPA would not continue to work with the County, and one of the options was to figure out another model. It was a clear consensus that it made more sense to continue to work with the County, and the County has been clear to the subcommittee that this arrangement was predicated on the fact that they were going to be County employees and to the extent possible, the JPA Board would have input on the hiring of the Executive Director, and if there was an issue with the employee, the County would work with the JPA.

Mr. Donery asked if the County would be willing to have an annual evaluation similar to what the JPA Board does in closed session and pass the information along to the County and Public Works Director for consideration.

Mr. Eilerman answered Mr. Donery, stating that that would be fair and the comments would be added to the County employee's annual evaluation.

Mr. Schwarz added that a good parallel is Central Marin's Police Chief, whose position is in a similar arrangement, but the Police Council does hold the decision whether the City will keep them or not.

Ms. Davidson pointed out that their Public Works Director, Rosemarie Gaglione, specified that this was the direction she was given, and that Public Works would work directly with the JPA Board on input and drafting the employee's evaluation.

Ms. Alilovich commented that pre-COVID the JPA Board members convened and agreed that the goal of this JPA was to be zero waste by 2025, and members agreed that it was going to be difficult to reach this goal. In turn, they engaged R3 Consulting to perform a feasibility study, and weighed their options from there. She expressed her frustration that they still do not have an Executive Director in place, yet she understood the impact that COVID has had on everyone. She was concerned that the position classification of Planning Manager will not fulfill the needs of the Executive Director position. She was concerned that there will not be a strong pull of candidates without the right type of recruiter on board.

Mr. Chanis shared Ms. Alilovich's concerns.

Mr. Eilerman shared that the development of this job description, which was done internally with County Human Resources (HR) was based, in part, on the recent Zero Waste Sonoma hiring of an Executive Director which he believes had a lower salary than this one. There were some internal Human Resources classification concerns about making it a \$200,000 Executive Director position. This is the way HR planned it according to its recommendations.

Ms. Davidson addressed some of Ms. Alilovich's comments, stating that the County had a contractor review the position specifications, and as she mentioned, this is an existing job classification and should the JPA Board adopt the budget, they will move forward with advertising this position. She clarified that there is language in the posting that specifies the needs of this Board that will be shared before it goes out for recruitment. The Board would have the opportunity for input on the description of the needs of the position, and it will not be advertised as it is shown on the staff report. As far as the possibility of a higher classification, she shared that that would be an item she would need to take back to management and come back to the Board with the result.

Mr. Schwarz shared his concern with the position being mid-level management. He stated that it would be important for this person to have acumen. This person would clearly need to understand that their successes and failures will be based on the votes of this Board.

Mr. Eilerman added that he believes these are traits that the County will be able to evaluate as part of the interview panel, with whoever would like to be part of that subcommittee panel. He stated that they could possibly create a "one-off" classification, but it will still need to fit within the structure of the County's classification system. This is where they will need to rely on their Human Resources department to evaluate. This is something that could also be discussed at the subcommittee level. He echoed Ms. Davidson's description of the classification, which he believes is very comparable with Sonoma County.

Ms. Alilovich shared a potential alternative to look into what other comparable agencies are paying for a Planning Manager, and what their job descriptions are. She feared that if they approve the position today, they will not receive the candidate pool that they wish to see. She is willing to be part of the subcommittee to oversee the job description and work directly with the recruiter, who would have a clear

understanding of the current job market and the target audience, as it is a unique role.

Mr. Chanis shared Ms. Alilovich's concerns.

Mr. Cusimano stated that he agrees with Ms. Alilovich and Mr. Chanis in both of the comments. For Mr. Eilerman, if they went with this position, and if it was within the classification, would the County consider a salary survey outside of Marin and Sonoma for other Executive Directors doing similar roles, would the County consider an incentive pay or other adjustments for working out of class of this particular position taking on Executive Director responsibilities within the County pay scale?

Mr. Eilerman responded stating that that was a hard question for him to answer because he is not the HR Director for the County. All he could say is they reviewed the classification, using the example of Sonoma County. They looked at the County's classification system, and they came up with a classification they recommend for the role. He stated he would consider it, but the County's HR classification division would have to be a part of that equation. He stated that he believes the Board would need to decide today and move forward from there. He suggested to the Board members to move forward with what they have and see what kind of candidates it draws before they scuttle it. He stressed that the County is unable to create a position of Executive Director for this agency that pays \$50-, \$40-, or \$30,000 more than what their Human Resources says is a comparable classification, because that will bring a lot of internal problems within the County.

Ms. Alilovich floated the idea of having the position classified as an Assistant Director.

Mr. Chanis shared that if it was classified as an Assistant Director, it could potentially encompass more responsibilities and it would not fit there. He stated that he did have some concern that the salary was on the low side, but they are partnering with the County on this and they do need to fit within their classification system.

Mr. Eilerman suggested that the subcommittee meet prior to making the decision to move forward on a vote.

Mr. Schwarz requested per Mr. Eilerman's statement that since the position needs to fit into the County's classification system, to have HR explain how they drew the conclusion that it's not more akin to that.

The item has been tabled to the June 16 meeting.

In reference to other matters on Item 6, Ms. Davidson wished to acknowledge the termination notice that the County received from the City of San Rafael intending not to continue providing staff to the Marin HHW program, and the County is looking into transitioning that back to their staff. This is reflected on the proposed budget for the transition and taking on that role in the next fiscal year and the City of San Rafael has expressed that they are committed to continuing the program for fiscal year 22/23. If the County is ready to take it on earlier, they would, but the budget reflects some transition period.

7. Item Removed from Agenda

8. Draft Proposed FY 22-23 Budget

Mr. Devine presented the draft proposed budget and then opened up the floor for questions from the Board members.

Mr. Schwarz asked if the Executive Director position is at the top of its step, to which Mr. Eilerman replied yes.

Ms. Alilovich asked if there are funds allocated in the proposed budget for Spanish language interpretation, translation and outreach. Mr. Devine replied that it is included in the advertising and outreach contract in the Zero Waste fund. She also asked if there is more funding, perhaps from R3 Consulting, for more SB 1383 analysis.

Ms. Abrams asked if the Local Task Force (LTF) is envisioned in the proposed budget. Mr. Devine replied that the LTF has not met at all during the COVID pandemic. He stated there is some mention of it in the organizational assessment. The group met many times more in the past than the JPA Board met. He mentioned that the group did struggle to provide recommendations to the Board. He does not see there being any more LTF meetings until there is clear direction from the Board. He does not see them being in a position to hold any further LTF meetings with the current staff.

The Board directed to restore \$100,000 of funding to hire consulting contractors to assist with SB 1383, with no other changes to the proposed budget. Bring budget back for approval at the June meeting.

Motion: N/A to approve the draft, proposed FY 22-23 Budget. Second: N/A

9. Adjournment

Next meeting scheduled for June 16, 2022.

Board Chair: Please confirm the vote on this item by reading the following items out loud after the vote.

Motion: Dan Eilerman _____ Second: _____ Todd Cusimano _____

Ayes: _____

Noes: _____

Abstentions: _____